

**Forest Service  
Recreation, Heritage, and Wilderness Resources  
Pacific Northwest Region**

**MEMBERSHIP BALANCE PLAN**

1. Committee's Official Designation

Pacific Northwest National Scenic Trail Advisory Council

2. Authority

The Pacific Northwest National Scenic Trail Advisory Council (Council) is hereby established pursuant to the implementation of Section 5(d) of the National Trails System Act (Act) (Pub. L. 90-543) as amended through (Pub. L. 111-11) (16 U.S.C. §§ 1241 to 1251), by the Secretary of Agriculture in accordance with the provisions of the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App. 2.

3. Objectives and Scope of Activities

The purpose of the Council is to provide advice and recommendations to the Secretary of Agriculture (Secretary) on matters relating to the Pacific Northwest National Scenic Trail (Pacific Northwest Trail) including but not limited to, the development and implementation of a comprehensive plan, selection of rights-of-way, standards for the erection and maintenance of markers along the Trail, and interpretation and administration of the Trail, in compliance with the Act.

4. Points of View Needed for the Committee

The Pacific Northwest National Scenic Trail passes through seven National Forests, three National Parks, and one Bureau of Land Management Field Office. Forest Supervisors, District Rangers, Park Superintendents, and the BLM Field Manager will be utilized to identify candidates with an understanding of local issues and an interest in the Trail. The DFO will also solicit recommendations for Council members from the Governors of the three states through which the Trail passes.

Section 5(d) of the National Trails System Act (the Act) states: "Members of each Council shall be appointed by the appropriate Secretary" as follows:

The Pacific Northwest National Scenic Trail Advisory Council will be comprised of approximately 20 members (not more than 35) who provide balanced and broad representation. Potential representation for the Council could include:

- The Regional Forester of the Pacific Northwest Region, Forest Service, or a designee;
- The Regional Forester of the Northern Region, Forest Service, or a designee;
- The Regional Director of the Pacific West or Intermountain Regions, National Park Service, or a designee;
- The State Director of the Oregon/Washington Bureau of Land Management, or a designee.

And other representatives appointed by the Secretary to 2-year terms:

- A representative of the State of Montana (selected from recommendations by the Governor);
- A representative of the State of Idaho (selected from recommendations by the Governor);
- A representative of the State of Washington (selected from recommendation by the Governor);
- At least one representative for Tribes;
- At least one representative of county governments and gateway communities;
- At least one representative of a nationally recognized trails organization;
- At least one representative of a regionally recognized trails organization;
- At least one representative of outdoor recreation (hiking);
- At least one representative of outdoor recreation (pack and saddle stock);
- At least one representative of a nationally or regionally recognized environmental organization;
- At least one representative of archaeological and historical interests;
- At least one representative of a nationally or regionally recognized wildlife organization;
- At least one representative of the timber industry;
- At least one representative of the tourism industry and/or commercial outfitter interests;
- At least one representative of environmental education interests;
- At least one representative of youth engagement and employment interests; and
- At least one representative of private landowner interests.

Every effort will be made to ensure that the membership of this Council is balanced, nevertheless, USDA recognizes that Council membership is not static and may change, depending on the work of the Council.

## 5. Other Balance Factors

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership will

include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

#### 6. Quorum Requirements

A simple majority of the members of the Council must be present to constitute an official meeting of the Council. This includes the DFO. The operation of the Council shall not be impaired by the fact that a member has not been appointed as long as a quorum has been attained. Only appointed members may serve on the Council. If a member is unable to attend a meeting, the member may not send a representative to act in their stead. Attendance may be in-person, or by telephone or other electronic means.

#### 7. Candidate Identification Process

The Council will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by the Governor of each state through which the Trail passes, county governments, tribal governments, and organizations and individuals who are interested in the Trail.

The DFO will also utilize public meetings, press releases, and other media to solicit additional interest in the committee.

Vacancies on the Council will be filled as deemed necessary by the Council chair. Individual vacancies may be filled during the charter renewal process or may be filled sooner to ensure adequate balance on the Council.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the Council due to criminal or ethical violations.

#### 8. Subcommittee Balance

The balance plan for any subcommittee shall incorporate the same policies and practices as for the Council of the whole.

9. **Legal Background**

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)

10. **Date Prepared or Updated**

01/16/2016